

RELEASED  
DATE 11/30/17  
RIN #  
INITIALS LF



**Fw: Midwest Generation Crawford**  
Susan Tennenbaum to: Diane Sharrow

08/15/2011 10:31 AM

From: Susan Tennenbaum/R5/USEPA/US  
To: Diane Sharrow/R5/USEPA/US@EPA

Hi Diane,

Thanks for your work on Midwest Gen. As noted by our DOJ attorney on the air case against Midwest Gen that is currently in litigation, I would need to run the information request by Jennifer, but that shouldn't interfere with your case.

Susan

----- Forwarded by Susan Tennenbaum/R5/USEPA/US on 08/15/2011 10:29 AM -----

From: "Lukas-Jackson, Jennifer (ENRD)" <Jennifer.Lukas-Jackson@usdoj.gov>  
To: Susan Tennenbaum/R5/USEPA/US@EPA, Charles Mikalian/R5/USEPA/US@EPA, Eaton Weiler/R5/USEPA/US@EPA  
Date: 08/15/2011 10:27 AM  
Subject: RE: Midwest Generation Crawford

---

Susan,

If EPA RCRA believes they need to issue an information request for the surface impoundment, then I have no problem with that. I would like to see it before it goes out, so I can provide comments or at least see the scope of what EPA's asking.

I'm glad to see that MWG was fairly responsive about correcting obvious problems pointed out to them during Diane's inspection.

Jennifer

Jennifer A. Lukas-Jackson  
Trial Attorney  
Environmental Enforcement Section  
U.S. Department of Justice  
Courier: 601 D St. NW, ENRD Mailroom 2121, Washington, DC 20004  
USPS: P.O. Box 7611, Washington, DC 20044-7611  
Phone: (202) 305-2332  
Fax: (202) 514-8395

-----Original Message-----

From: Tennenbaum.Susan@epamail.epa.gov  
[mailto:Tennenbaum.Susan@epamail.epa.gov]  
Sent: Monday, August 15, 2011 10:49 AM  
To: Lukas-Jackson, Jennifer (ENRD); Mikalian.Charles@epamail.epa.gov;  
Weiler.Eaton@epamail.epa.gov  
Subject: Fw: Midwest Generation Crawford

fyi

----- Forwarded by Susan Tennenbaum/R5/USEPA/US on 08/15/2011 09:48 AM -----

From: Diane Sharrow/R5/USEPA/US

RELEASED  
DATE 11/30/17  
RIN #  
INITIALS LS

To: Susan Tennenbaum/R5/USEPA/US@EPA  
Cc: Kathy Triantafillou/R5/USEPA/US@EPA, Lorna Jereza/R5/USEPA/US@EPA  
Date: 08/15/2011 07:50 AM  
Subject: Fw: Midwest Generation Crawford

Susan,

I conducted a RCRA Subtitle C Inspection at Midwest generation on Monday August 8th, 2011. I identified used oil violations and have concerns about the surface impoundment that was referred to us by ECAT. Today is my first day back in office since I was out on inspections last week, but below is an e-mail and photos from Midwest generation showing correction of some of the violations I identified. I will send my photos and inspection report soon, and I am thinking that an information request regarding the surface impoundment may be useful.

Thanks,

Diane M. Sharrow  
Environmental Scientist/Senior Inspector  
USEPA, Region 5, Land and Chemicals Division  
RCRA Branch, Compliance Section 1  
Mail Code LR-8J  
77 W. Jackson Blvd.  
Chicago, IL 60604-3590

Direct 312.886.6199  
Facsimile 312.692.2906

Sharrow.Diane@epa.gov

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<http://www.epa.gov/compliance/complaints/index.html>

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----- Forwarded by Diane Sharrow/R5/USEPA/US on 08/15/2011 07:46 AM  
-----

From: Donald Isaacs <[disaacs@edisonmission.com](mailto:disaacs@edisonmission.com)>  
To: Diane Sharrow/R5/USEPA/US@EPA  
Date: 08/08/2011 08:29 PM  
Subject: Today's Inspection- Midwest Generation Crawford

RECEIVED  
DATE 11/30/17  
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INITIALS LJ

Dear Ms. Sharrow,

It was a pleasure meeting with you today on your inspection of the Crawford Generating Station. I am following up with photographs of the areas regarding used oil we had spoken about. The following photo numbers are accompanied by my descriptions of the attachments. Any questions please contact me.

Photo 2827

Drums pointed out earlier today are the 2 in foreground center and 1 to the right. These are labelled as follows:

Foreground center- Was a labelled transformer fluid drum. This is now labelled "used oil" as this drum was recently brought in to used oil room for recycling.

Right side- Drum was a labelled hydraulic fluid drum. This is now labelled "used oil" as this drum was recently brought in to used oil room for recycling.

Background- is new drum of used antifreeze, with label.

Photos 2829 and 856

Drum containments for used oil (had been used for draining drums of residual used oil). Now are labelled "used oil" as discussed.

Photo 857

New used oil drum recently brought in to used oil room for recycling. Now has label "used oil". In upper left, see new label of empty used oil tank (over old Waste Oil label)

Photo 2823

Empty drum stack; drum at left center has been wiped clean of liquid oil residual previously on top, as discussed.

Donald A. Isaacs

Environmental Specialist

Midwest Generation Crawford and Fisk Stations

773-650-5489

[attachment "DSC02823.JPG" deleted by Diane Sharrow/R5/USEPA/US]

[attachment "DSC02827.JPG" deleted by Diane Sharrow/R5/USEPA/US]

[attachment "DSC02829.JPG" deleted by Diane Sharrow/R5/USEPA/US]

[attachment "IMG00856.jpg" deleted by Diane Sharrow/R5/USEPA/US]

[attachment "IMG00857.jpg" deleted by Diane Sharrow/R5/USEPA/US]

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Re: Fw: Midwest Generation's Crawford Station Flyover Photo

Susan Tennenbaum to: Michael Beedle



05/24/2011 01:44 PM

Cc: Charles Mikalian, Diane Sharrow, Kathy Memmos, Lorna Jereza,  
Paul Little, Sue Brauer

From: Susan Tennenbaum/R5/USEPA/US  
To: Michael Beedle/R5/USEPA/US@EPA  
Cc: Charles Mikalian/R5/USEPA/US@EPA, Diane Sharrow/R5/USEPA/US@EPA, Kathy Memmos/R5/USEPA/US@EPA, Lorna Jereza/R5/USEPA/US@EPA, Paul Little/R5/USEPA/US@EPA, Sue Brauer/R5/USEPA/US@EPA

Thanks, Mike. I'll let you know whether our DOJ attorney wants to proceed now or wait, because we are currently in litigation with Midwest Gen on an air case.

Michael Beedle

Susan It could be a RCRA violation. 40 CFR 279...

05/24/2011 01:19:43 PM

From: Michael Beedle/R5/USEPA/US  
To: Susan Tennenbaum/R5/USEPA/US@EPA  
Cc: Charles Mikalian/R5/USEPA/US@EPA, Paul Little/R5/USEPA/US@EPA, Lorna Jereza/R5/USEPA/US@EPA, Diane Sharrow/R5/USEPA/US@EPA, Sue Brauer/R5/USEPA/US@EPA, Kathy Memmos/R5/USEPA/US@EPA  
Date: 05/24/2011 01:19 PM  
Subject: Re: Fw: Midwest Generation's Crawford Station Flyover Photo

Susan

It could be a RCRA violation. 40 CFR 279.12 prohibits the management of used oil in a surface impoundment.

However de minimis amounts of used oil in wastewater, where the wastewater is discharged under clean water act regulations, is not regulated under the used oil requirements (40 CFR 279.10(f)). So we would have to determine if it is used oil and that it was more than de minimis. Basically the used oil must be from more than small spills, leaks or drips. It has to be substantial leaks, spills or other release or used oil recovered from wastewaters.

If they are recovering a substantial amount of used oil from the pond, we might be able to make a case or if it was from a large spill.

Also if there are signs of dead wildlife (eg dead birds) in the pond, we may be able to make an imminent and substantial endangerment case (RCRA 7003 Order).

It is hard to tell the amount of oil on the pond from the photo. But compared to another site, that I worked on where we issued a 7003 order, it does not appear to be that much oil. All the same if there are dead birds present, that would be enough information to act.

I am copying Sue Brauer (Used Oil Expert), Diane Sharrow (issued several 7003 orders) and our RCRA supervisors so that we can discuss.

It may be worth a quick trip since Crawford is in Chicago, about 9 miles from the office.

Let us know if you want to coordinate an inspection. If there is no rush on this matter, it might be a good inspection for next FY for RCRA. (However if we want to use 7003 authority we may want to act sooner than that.... I guess we have no evidence of dead birds at this time so if we inspected and found them we still would be able to use the authority.)

Thanks for sharing the information and let us know about further coordination.

Mike

[attachment "DSCN3340.JPG" deleted by Susan Tennenbaum/R5/USEPA/US]

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DATE 11/30/17  
RIN #  
INITIALS LJ

Susan Tennenbaum

Mike, Kathy Memmos mentioned that you mig...

05/24/2011 10:37:51 AM

RELEASED  
DATE 11/30/17  
RIN #  
INITIALS JF

RELEASED  
DATE  
RIN #  
INITIALS

Re: Fw: Midwest Generation's Crawford Station Flyover Photo

Sue Brauer to: Susan Tennenbaum

05/24/2011 03:27 PM

Cc: Charles Mikalian, Diane Sharrow, Kathy Memmos, Lorna Jereza, Paul Little, Michael Beedle

From: Sue Brauer/R5/USEPA/US  
To: Susan Tennenbaum/R5/USEPA/US@EPA  
Cc: Charles Mikalian/R5/USEPA/US@EPA, Diane Sharrow/R5/USEPA/US@EPA, Kathy Memmos/R5/USEPA/US@EPA, Lorna Jereza/R5/USEPA/US@EPA, Paul Little/R5/USEPA/US@EPA, Michael Beedle/R5/USEPA/US@EPA

- The sheen could be from unused oil, in which case it might be subject to the Oil Pollution Act. Barb Carr in Superfund is the contact for Spill Prevention Control and Countermeasures (40 CFR 112).
- If the oily sheen was caused by used oil,
- Storage of used oil in a surface impoundment and use of used oil as a dust suppressant is prohibited by state rules analogous to 40 CFR 279.12.
- Generators of used oil are required to respond to spills and releases by cleaning up the spill; see 40 CFR 279.22(d).
- I don't see this as wastewater subject to a NPDES permit, and I doubt the used oil wastewater exemption applies. (Mike and I have different experiences on this point.)

At a scrap metal processor in Chicago, rainwater and runoff were directed to an onsite pond (~20' diameter). Oil had accumulated on the surface. Dan Sparks of the Indiana Field Office, FWS identified the oily surface as a bird killer, and the surface impoundment was closed before entry of a RCRA 3008(a) consent decree.

Sue Rodenbeck Brauer  
U.S. EPA, Region 5 (LR-8J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
phone (312) 353-6134  
fax (312) 408-2231  
brauer.sue@epa.gov

Michael Beedle

Susan It could be a RCRA violation. 40 CFR 279...

05/24/2011 01:19:44 PM

From: Michael Beedle/R5/USEPA/US  
To: Susan Tennenbaum/R5/USEPA/US@EPA  
Cc: Charles Mikalian/R5/USEPA/US@EPA, Paul Little/R5/USEPA/US@EPA, Lorna Jereza/R5/USEPA/US@EPA, Diane Sharrow/R5/USEPA/US@EPA, Sue Brauer/R5/USEPA/US@EPA, Kathy Memmos/R5/USEPA/US@EPA  
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Thanks for sharing the information and let us know about further coordination.

Mike

[attachment "DSCN3340.JPG" deleted by Sue Brauer/R5/USEPA/US]

---

Susan Tennenbaum

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05/24/2011 10:37:51 AM



Re: Fw: Midwest Generation's Crawford Station Flyover Photo



05/24/2011 03:49 PM

Susan Tennenbaum to: Michael Beedle

Cc: Charles Mikalian, Paul Little, Lorna Jereza, Diane Sharrow, Sue Brauer

From: Susan Tennenbaum/R5/USEPA/US  
To: Michael Beedle/R5/USEPA/US@EPA  
Cc: Charles Mikalian/R5/USEPA/US@EPA, Paul Little/R5/USEPA/US@EPA, Lorna Jereza/R5/USEPA/US@EPA, Diane Sharrow/R5/USEPA/US@EPA, Sue Brauer/R5/USEPA/US@EPA

History: This message has been replied to.

Mike,

Non-releasable

[REDACTED] we should leave it up to you, your expertise and your program as to how "bad" the photo looks and when to inspect. Please keep me posted when do you inspect.

Thanks very much,  
Susan

Michael Beedle

Susan: It could be a RCRA violation. 40 CFR 279...

05/24/2011 01:19:43 PM

From: Michael Beedle/R5/USEPA/US  
To: Susan Tennenbaum/R5/USEPA/US@EPA  
Cc: Charles Mikalian/R5/USEPA/US@EPA, Paul Little/R5/USEPA/US@EPA, Lorna Jereza/R5/USEPA/US@EPA, Diane Sharrow/R5/USEPA/US@EPA, Sue Brauer/R5/USEPA/US@EPA, Kathy Memmos/R5/USEPA/US@EPA  
Date: 05/24/2011 01:19 PM  
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than that.... I guess we have no evidence of dead birds at this time so if we inspected and found them we still would be able to use the authority.)

Thanks for sharing the information and let us know about further coordination .

Mike

[attachment "DSCN3340.JPG" deleted by Susan Tennenbaum/R5/USEPA/US]

---

Susan Tennenbaum

Mike, Kathy Memmos mentioned that you mig...

05/24/2011 10:37:51 AM

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INITIALS LS



Re: Fw: Midwest Generation's Crawford Station Flyover Photo

Michael Beedle to: Diane Sharrow

Cc: Lorna Jereza, Paul Little, Sue Brauer

05/25/2011 09:05 AM

From: Michael Beedle/R5/USEPA/US  
To: Diane Sharrow/R5/USEPA/US@EPA  
Cc: Lorna Jereza/R5/USEPA/US@epa, Paul Little/R5/USEPA/US@epa, Sue Brauer/R5/USEPA/US@epa

I am OK with you taking the lead. If it works out with our schedules, perhaps I could tag along.

Diane Sharrow

Mike -

05/24/2011 04:36:53 PM

From: Diane Sharrow/R5/USEPA/US  
To: Susan Tennenbaum/R5/USEPA/US@EPA  
Cc: Michael Beedle/R5/USEPA/US@EPA, Charles Mikalian/R5/USEPA/US@EPA, Paul Little/R5/USEPA/US@EPA, Lorna Jereza/R5/USEPA/US@EPA, Sue Brauer/R5/USEPA/US@EPA  
Date: 05/24/2011 04:36 PM  
Subject: Re: Fw: Midwest Generation's Crawford Station Flyover Photo

Mike -

If possible, I would like to eiether conduct / or be there. Or I can assist if needed.

Can we discuss?

Thx

Diane M. Sharrow  
Environmental Scientist/Senior Inspector  
USEPA, Region 5, Land and Chemicals Division  
RCRA Branch, Compliance Section 1  
Mail Code LR-8J  
77 W. Jackson Blvd.  
Chicago, IL 60604-3590

Direct 312.886.6199  
Facsimile 312.692.2906

[Sharrow.Diane@epa.gov](mailto:Sharrow.Diane@epa.gov)

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INITIALS JF

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-----Susan Tennenbaum/R5/USEPA/US wrote: -----

To: Michael Beedle/R5/USEPA/US@EPA  
From: Susan Tennenbaum/R5/USEPA/US  
Date: 05/24/2011 03:49PM  
cc: Charles Mikalian/R5/USEPA/US@EPA, Paul Little/R5/USEPA/US@EPA, Lorna Jereza/R5/USEPA/US@EPA, Diane Sharrow/R5/USEPA/US@EPA, Sue Brauer/R5/USEPA/US@EPA  
Subject: Re: Fw: Midwest Generation's Crawford Station Flyover Photo

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Non-releasable

[REDACTED] we should leave it up to you, your expertise and your program as to how "bad" the photo looks and when to inspect. Please keep me posted when do you inspect.

Thanks very much,  
Susan

Michael Beedle---05/24/2011 01:19:43 PM---Susan It could be a RCRA violation. 40 CFR 279.12 prohibits the management of used oil in a surface

Fro  
m: Michael Beedle/R5/USEPA/US  
To:  
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Cc:  
Charles Mikalian/R5/USEPA/US@EPA, Paul Little/R5/USEPA/US@EPA, Lorna Jereza/R5/USEPA/US@EPA, Diane Sharrow/R5/USEPA/US@EPA, Sue Brauer/R5/USEPA/US@EPA, Kathy Memmos/R5/USEPA/US@EPA  
Da  
te: 05/24/2011 01:19 PM  
Su  
bje Re: Fw: Midwest Generation's Crawford Station Flyover Photo  
ct:

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Thanks for sharing the information and let us know about further coordination.  
Mike

[attachment "DSCN3340.JPG" deleted by Susan Tennenbaum/R5/USEPA/US]

---

Susan Tennenbaum---05/24/2011 10:37:51 AM---Mike, Kathy Memmos mentioned that you might be the person who handles power plants for RCRA. If so,

From: Susan Tennenbaum/R5/USEPA/US  
To: Michael Beedle/R5/USEPA/US@EPA  
Cc: Charles Mikalian/R5/USEPA/US@EPA  
Date: 05/24/2011 10:37 AM  
Subject: Fw: Midwest Generation's Crawford Station Flyover Photo

Mike,

Kathy Memmos mentioned that you might be the person who handles power plants for RCRA. If so, could you tell me if this looks like a violation to you?

Thanks,  
Susan Tennenbaum  
6-0273

----- Forwarded by Susan Tennenbaum/R5/USEPA/US on 05/24/2011 10:35 AM -----

From: Kathy Memmos/R5/USEPA/US  
To: Susan Tennenbaum/R5/USEPA/US@EPA  
Cc: Alan Walts/R5/USEPA/US@EPA, Andrew Anderson/R5/USEPA/US@EPA, Lynne Roberts/R5/USEPA/US@EPA, Randall Ashe/R5/USEPA/US@EPA  
Date: 05/24/2011 10:25 AM  
Subject: Midwest Generation's Crawford Station Flyover Photo

Susan -

RELEASED  
DATE 11/30/17  
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On May 3, 2011, OECA inspectors conducted a flyover. During the flyover, we observed an oil sheen in what looks to be a collection pond at Midwest Generation's Crawford Station. The photo was taken at approximately 13:17.

[attachment "DSCN3340.JPG" deleted by Michael Beedle/R5/USEPA/US]

Kathy Triantafillou, Environmental Engineer  
Multimedia Coordinator and Inspector  
U.S. EPA Region 5  
Office of Enforcement and Compliance Assurance  
Phone: 312-353-4293

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at <http://www.epa.gov/compliance/complaints/index.html>